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**MEETING MINUTES DREDGE MANAGEMENT TASK FORCE
(DMTF) FEBRUARY 19, 2004**

The meeting was held on Thursday February 19, 2004 from 1:00 to 2:55 PM, at NH Fish and Game, Region 3 in Durham, NH.

Chairman Mazerski asked for a moment of silence as a memorial gesture for Dave Killoy, formerly of the COE, who passed away in December of 2003.

Chairman then asked meeting attendees to introduce themselves. (see attendance roster, last page)

1. Review of Previous Minutes (15 December 11, 2003). Chairman asked that the alternative date of Feb. 12, 2004 be struck from the previous minutes. Minutes were then approved. No further discussion.

Discussion Items:

2. Cocheco River Dredging – COE (Mike Walsh) stated that the city of Dover is well underway on the construction of the disposal facility and will resume the earth work sometime in the spring. Walsh said construction could be finished by the spring, but if it went into summer it would not impact the project. The plan is for dredging to begin on Nov. 15, 2004. He continued by saying the MOA has to be negotiated between the city and the federal government and it needs to be passed forward through channels with the decision document. It allows the federal government to pay the user fees to the city and spells out the cost sharing, etc. Chair asked if that included the agreement with PSNH. Walsh said City of Dover's Dean Peschel is about to write a letter to COE requesting they include in the federal contract the PSNH Dover Landing dredging. He added that the city and PSNH will have to give the full funding before it begins. When asked when the paperwork issues will be resolved, Walsh stated that the MOA could take up to 120 days and it could be late spring. He continued by saying that not all the funding has been appropriated to complete the project. Chair asked if he could say what percent has been appropriated at this point. Walsh said that what is available is less than 50% of what we need. Chair asked if we should be contacting our federal officials to help that along. Walsh said that the Cocheco River Project has not made it into the President's budget yet. Sen. Sununu representative Liz Chamberlain asked if the 50% of funding he spoke of is earmarked for the Cocheco project. Walsh said yes and that almost \$3 million has been received. Chamberlain asked if the money to dredge comes out of the COE budget. Walsh said the COE budget is prioritized and the larger projects take priority. Chair

asked that he keep the Task Force informed so that if intervention with members of Congress becomes necessary it can be done in a timely manner.

3. River St. Cut - Seabrook (Section 227). The Chairman addressed the Wetlands Bureau permit status for the Section 227 project, in the absence of DES rep. Frank Richardson. The Wetlands Bureau (WB) was still awaiting the final plans from COE. The WB was pleased with the design modifications the COE had proposed. The draft permit is expected at the beginning of March and it will include a five-year monitoring program in the permit. That will come under the realm of the PDA as the requesting agency. COE (Montoya) said the DES (WB) is not waiting for the final plans to issue the permit. Using draft plans, DES will issue a conditional permit. Montoya said it has taken several weeks to do the redesign because of the vinyl material. The use of innovative materials is positive for the program. He said the funding authority for this project will end in 2005. Chair sent around a copy of the draft plan. Montoya spoke about the January 16, 2004 meeting between COE and DES where the construction sequence of the project was discussed. The intent is to start construction this summer and continue into the fall; then they will be able to begin the dredging in November.

Montoya spoke about the letter received from Rep. Moore requesting that COE put the project on the fast track. COE's response explained that they could not fast-forward the project for several reasons to include the delayed plans, the MOA wasn't ready and that COE didn't feel it was an emergency situation. Montoya said funding is looking positive for now, however COE's federal budget for 2005 is under review and every project and program is scrutinized. He said Section 227 will go forward.

Regarding the MOA between the COE and the state which states that COE will build the project and the State of New Hampshire will own and maintain it once the COE authority on 227 ends in FY '05. The state will be responsible for monitoring and maintenance from then on unless there is a catastrophic failure. He has given a draft copy of the Operations and Maintenance manual to PDA/DPH (Marconi). The manual gives the guidelines of how the finished project is to be maintained and monitored. Chair then asked Mr. Marconi to speak about the MOA and the accompanying legal issues. Marconi said the PDA legal staff and the AG's office have been working closely with Senator Clegg to get the authorization from the legislature to enter into this MOA. The PDA will ask the legislature for a one-time authorization to enter into this specific agreement. Sen. Clegg offered that amendment to House Bill 516 on February 17, 2004 Marconi feels confident of its approval. COE (Montoya) said the Corps is drafting a national model MOA that is based on one done for Michigan which will be used in the future. Marconi added that the language in the amendment is flexible and addresses enough of the operations and maintenance issues so as to give the PDA/DPH the authority to perform those kinds of activities. Chair asked COE that during the March meeting in DC regarding the national model that there be no radically new language concerning this MOA. Montoya assured the group that the wording will have minimum change.

Montoya reminded the task force that Section 107 planning would continue if the economics are favorable. He expects to have the sediment transport model from ERDC by March 30, 2004. The initial monitoring plan will include aerial photography and measurements, and will address the issue of invasive species. NMFS (Mike Johnson) stated the hope was to have the COE monitoring for more than one year. Montoya stated that COE funding is the determinant. Town of Seabrook (Suzanne Manzi) asked if COE will have the new plans completed by the end of March and if Montoya thinks the construction sequence is realistic and that the dredging will actually happen in Nov. 2004. COE (Montoya) answered yes to all and offered to meet with the Town of Seabrook. Manzi agreed.

4. Seabrook Harbor Maintenance Dredging PDA/DPH said that Senate Bill 334 amended the last session's appropriation by removing the contingency calling for COE assumption of responsibility. The Capitol Budget Oversight Committee authorized \$175K for this year's maintenance dredging scheduled to be completed by February 23, 2004. Marconi is working to secure the full \$1Million (authorized by HB 516) for a full maintenance dredge after COE builds the Section 227 project. Currently, the contractor will dredge 7,000 cu. yds. and store the spoils in the co-op staging area. The town of Seabrook is taking ownership of the dredge materials. Town of Seabrook (Sue Manzi) said there will be a meeting next Monday morning between the DPW from both towns to discuss the area of distribution on Seabrook Beach in mid-March, 2004.

5. Sagamore Creek COE (Mike Walsh) stated that after consulting their construction people it seems feasible that the dredge materials can go near shore to Wallis Sands but is awaiting the letter of determination. Regarding the presence of eel grass, Fred Short (Jackson Lab) has marked an area where he believes it is growing; COE will perform a survey for confirmation. Walsh has been in touch with the Harbor Master on usage data for the area. For project justification, recreational usage carries less weight than commercial usage. Data needs to be presented in that light to bolster the chances of receiving funding through the normal budgetary process. He then spoke about structures that are encroaching on the project and asked Rich Roach of COE to address this issue. Mr. Roach said there are a couple of encroachment areas and one is Witch's Cove Marina. He has written to the managing partner of the marina to ask that they redesign the marina and to pull back some of the docks. The marina representative has written back to ask for reconsideration. Roach will continue to correspond with the marina. He stated there are moorings that also exist into the upper part of the channel and will need to be removed. Marconi (DPH) said they could be removed. Chair asked what the deadline is for removal. Roach responded by saying they will need to be removed before the spring of 2005.

6. Other Business/Minor Projects:

- Comprehensive Dredge Spoil Disposal Study

Chair introduced Chris Hatfield of COE to speak about the study. Mr. Hatfield asked that it be called Comprehensive Upland Dredge Material Site Evaluation and went on to read the language from the house committee. Congress has allocated \$250K to study, identify

and evaluate upland disposal sites for dredging material from federal navigational channels in the state. COE met with staff members from DES, DPH, and OEP to discuss the project and there were several suggestions to include focusing on upland, but expanding to all disposal options. Hatfield said COE can't deviate from the authorization they have now. He has researched some of the prior dredge material management studies to include the COE report done in 1993 and the 1994 Normandeau Report. He feels there is a need to determine how much material NH will generate and he will do a draft of the scope and give it to the technical committee for comment. He said as it stands now COE will be looking at upland sites and the procedure for public involvement. There will need to be sites for lesser grade materials as well as for materials that would be useful for construction purposes. Chair stated that when he drafted the agenda he intentionally left out the word upland in the dredging item because during the meeting a couple of weeks ago DPH talked about getting the language changed on the Army's project. Marconi stated he will write a letter to the Congressional Delegation when he gets a confirmation on funding. Mike Sills (DES) said that Mr. Hatfield mentioned that there could be an inventory done of non-authorized channel dredges and dam removals. Mr. Hatfield said the intention is to expand the study to all potential dredging.

- Piscataqua River Issues

Marconi (DPH) said that he met with COE (Montoya) to discuss the turning basin issue. COE has '04 funding but none in '05. Montoya said he will be drafting the 905B report which is an initial appraisal of the impacts of the turning basin. Montoya then asked Mike Walsh (COE) to speak about the Simplex issue. Walsh said that the shoal isn't at a place where it needs to be dredged yet but he has started the process of coordination. One of the things that had been brought up in the past is looking into long-term approval. It has met with resistance but needs to be discussed as to the least cost environmentally. He said there should be a meeting of a technical group. Chair asked if there should be a meeting of a separate group or should it be discussed at the next DMTF meeting. Walsh said it would be better to have a small group meeting to map out a process. He added that he doesn't know when the Corps will initiate the dredging process because of other, more immediate projects pending. Liz Chamberlain (Sen.Sununu) asked when Simplex is due to be dredged again. Marconi said that it was done in November of 2000 and the normal interval is five to seven years. Ms. Chamberlain asked if steps are being taken to avoid what happened the last time it was done where timing was a problem and placement of the dredge materials was in question. She wants to be assured the process is moving forward appropriately. It was asked who would be the parties that would need to be at a technical meeting. (see list, which follows) Ms. Chamberlain asked if the language can be changed on the disposal study to include the river, will that study be finished before the river needs to be dredged again? Mike Sills (DES) said the EPA and the State of Maine should be involved in such a meeting. Chair stated he will call Ed O'Donnell at COE to propose a technical meeting be set up for early April with the entities just listed to include: NH F&G, USFWS, DES-WETLANDS and WASTE MANAGEMENT, PDA, NMFS, EPA and the STATE OF MAINE. Chair then asked if members had any other business to address.

Chair asked Mike Sills (DES-WM) if he had anything to add to the discussion about the Cocheco River Dredging Plan. Sills said they are working on the plans and specifications to include the drainage route and they will be ready to go as soon as the snow melts.

After setting the next meeting date, the Chair closed the meeting at 2:20 PM and introduced an optional presentation by the Maguire Group on harbor channel dredging in Mass. using CAD cells.

- Next DMTF Meeting: Wednesday, April 21, 2004, 1:00 PM and Fish and Game in Durham.
- Maguire Group Presentation - Massachusetts Harbor Planning.

Attendance DMTF 19 Feb 04

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